United Nations CEDAW/C/FRA/CO/7-8

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined seventh and eighth periodic reports of France*

1. The Committee considered the combined seventh and eighth periodic reports of France (CEDAW/C/FRA/7-8) at its 1409th and 1410th meetings, on 8 July 2016 (see CEDAW/C/SR.1409 and 1410). The Committee's list of issues and questions is contained in CEDAW/C/FRA/Q/7-8 and the responses of France are contained in CEDAW/C/FRA/Q/7-8/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined seventh and eighth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue and in writing following the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister for Families, Children and Women's Rights, Laurence Rossignol, and also included representatives of the Ministry for Families, Children and Women's Rights, the Ministry of Social Affairs and Health, the Ministry of Foreign Affairs and International Development, the Ministry of National Education, Higher Education and Research, the Ministry of the Interior, the Ministry for Overseas France, the Ministry of Justice, the Interministerial Delegation to Combat Racism and Anti-Semitism and the Permanent Mission of France to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the State party's withdrawal of its remaining reservations to the Convention in 2013.

* Adopted by the Committee at its sixty-fourth session (4-22 July 2016).

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5. The Committee welcomes the progress achieved since its consideration in 2008 of the State party's sixth periodic report (CEDAW/C/FRA/6) in undertaking legislative reforms, in particular the adoption of the following legislation:

(a) Act No. 2014-873 of 4 August 2014, on substantive equality between women and men;

(b) Act No. 2011-103 of 27 January 2011, on the balanced representation of women and men on boards of directors and supervisory boards and on gender equality in the workplace;

(c) Act No. 2010-769 of 9 July 2010 on violence against women and on marital violence and its impact on children.

6. The Committee takes note of Act No. 2013-404 of 17 May 2013 and its recognition of the right of lesbian, bisexual and transgender women to enter into marriage.

7. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the adoption or establishment of the following:

(a) Fourth interministerial plan for preventing and combating violence against women, covering the period 2014-2016;

(b) Action plan for equality between girls and boys in school, in 2014, and the interministerial agreement on equality between girls and boys and women and men in the education system, covering the period 2013-2018;

(c) High Council for Gender Equality, in 2013;

(d) Plan for the development of women's entrepreneurship, in 2013;

(e) Interministerial Mission for the Protection of Women Victims of Violence and for Combating Human Trafficking, in 2013.

8. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

(a) Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2016;

(b) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in 2015;

(c) Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, in 2010;

(d) Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, in 2014.

C. Principal areas of concern and recommendations

Parliament

9. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

Refugee and asylum-seeking women

10. The Committee welcomes the improvements in the legal framework on asylum made in 2015, the housing allocations for asylum seekers, the specific actions to bring certain vulnerable refugees directly to France and the medical support provided to foreigners in need of it. The Committee is, however, concerned that the State party may have difficulty dealing with an influx of refugees and providing them with decent housing, as demonstrated by the precarious sanitary and housing conditions, lack of guaranteed access to food, clean water, sanitation, medical care, psychological support and legal counselling, and high levels of exposure to violence and exploitation, especially for women and girls, in Calais. The Committee is also concerned that asylum applications, especially from women from so-called safe countries and/or women in waiting areas, are considered under the accelerated procedure, with fewer safeguards, even though such applications can be moved back into the normal procedure, and that safe country lists may vary within the European Union.

11. In line with its general recommendations No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women and No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee calls upon the State party:

(a) To implement its obligations under international law with regard to asylum seekers and refugees, such as the principle of non-refoulement;

(b) To take a gender-sensitive approach in receiving the current refugee inflows and in considering asylum claims, thereby ensuring that the needs of asylum-seeking and refugee women and girls arriving in the State party are addressed as a priority concern;

(c) To ensure that women's asylum applications are examined in full, that cases considered under the accelerated procedure are systematically moved back into the normal procedure when they meet clear criteria, to be established, and that the broad margin of appreciation is narrowed down in accelerated procedures;

(d) To review the use of safe country lists, in view of their uncertainty.

Legislative framework and access to justice

12. The Committee commends the State party on its exhaustive anti-discrimination legal framework, especially in the light of the adoption in 2014 of Act No. 2014-873 on substantive equality between women and men, and on the strong institutions

involved in monitoring the framework. It also welcomes various draft laws proposing important improvements to the legal framework (on equality and citizenship and on the modernization of justice). The Committee is concerned, however, about:

(a) The limited effectiveness of the State party's anti-discrimination legislation;

(b) The insufficient knowledge of the Convention and the Optional Protocol thereto in the State party, including on the part of lawyers, judges and other legal professionals, the absence of reference to the Convention in court decisions (except in some administrative or criminal cases before the Court of Cassation or the Council of State) and the lack of systematic awareness-raising and training of legal professionals on the Convention, gender equality and the prohibition of sex-based discrimination, including intersecting forms of discrimination;

(c) The difficulties faced by women claiming their rights owing to lack of knowledge thereof, including on the Convention and the Optional Protocol, the costs, the length of the procedures, insufficient legal aid, affecting disproportionately women in situations of vulnerability or poverty, and insufficient consideration of cases of intersecting forms of discrimination, thus preventing comprehensive reparation;

(d) The unequal application of anti-discrimination law across the territory of the State party, in particular in non-metropolitan areas;

(e) The lack of a comprehensive definition in law of sexual harassment and the absence of civil remedies in cases of sexual harassment committed outside the workplace;

(f) Insufficient integration of the prohibition of intersecting forms of discrimination into public policies.

13. **In line with its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) Introduce group actions, as planned in the draft law on the modernization of justice in the twenty-first century, and open them to ad hoc groups of persons collectively concerned by sex discrimination, and establish a fund to support such claims in order to alleviate the financial burden on women;

(b) Expedite the adoption of the draft law on the modernization of justice in the twenty-first century to simplify legal avenues for claimants, in particular women who are victims of intersecting forms of discrimination, harmonize sanctions and compensation schemes for violations of anti-discrimination laws and provide for the possibility of addressing multiple grounds of discrimination jointly;

(c) Ensure that intersecting forms of discrimination are adequately addressed by courts and provide training to judicial personnel and lawyers, to enable them to address and take into account the various grounds on which claimants are claiming their rights;

(d) Promote additional capacity-building programmes for judges, prosecutors and lawyers and other professionals, such as law enforcement

officers, social services and asylum services, on the Convention and the Optional Protocol;

(e) Implement the recommendations of the Defender of Rights on the introduction of a clear and precise definition of sexual harassment in the draft law on equality and citizenship and on the inclusion of legal provisions in the draft law on the modernization of justice in the twenty-first century allowing for a civil remedy in cases of sexual harassment committed outside the workplace, providing also for an adjustment of the burden of proof;

(f) Ensure that, following the redistribution of competence provided for in the draft law on equality and citizenship, local governments, especially in the non-metropolitan areas, have the capacity to fully implement the gender equality legislation and other measures such as plans and programmes.

National machinery for the advancement of women and gender mainstreaming

14. The Committee welcomes the creation in 2013 of the High Council for Gender Equality, devoted solely to the promotion of gender equality, as an advisory body under the Office of the Prime Minister. It appreciates the important roles played by the High Council, the Defender of Rights and the National Consultative Commission for Human Rights. It also notes the complex architecture of the interministerial committees and senior gender advisers, including in the regions and non-metropolitan areas. The Committee is, nevertheless, concerned about:

(a) The changes in the status and focus of the national machinery for gender equality, which changed from a full-fledged ministry to the lesser level of a State secretariat and then regained the ministerial level as a component under the new Ministry of Families, Children and Women's Rights; those changes have created uncertainty and could be interpreted as a regression in respect of the centrality of women's human rights;

(b) The complexity of the structure compared with the need for clear and coherent coordination and management of gender mainstreaming efforts and the lack of comprehensive monitoring and impact evaluation measures;

(c) The insufficient human, technical and financial resources allocated to the national machinery for the advancement of women to effectively coordinate gender equality plans, policies and programmes in all areas and at all levels of government throughout the territory;

(d) The lack of a clear delineation of statutory functions and powers among the High Council for Gender Equality, the Defender of Rights and the National Consultative Commission for Human Rights, and the very limited human, technical and financial resources allocated to the High Council compared with the Defender of Rights and the National Consultative Commission.

15. **The Committee recommends that the State party:**

(a) Ensure that gender equality issues continue to be dealt with by a full-fledged ministry, with a strong mandate and the human, technical and financial resources necessary to effectively coordinate gender equality plans, policies and programmes in all areas and at all levels of government;

(b) Reinforce monitoring mechanisms to comprehensively and regularly assess progress in the implementation of its gender equality policies, plans and programmes and evaluate the impact of such efforts, with a view to taking remedial action;

(c) Strengthen the implementation of the gender equality policies at the municipal and regional levels and ensure that all government bodies involved receive sustained guidance and support in their implementation efforts, including sufficient human, technical and financial resources;

(d) Allocate sufficient human, technical and financial resources to the High Council for Gender Equality to allow it to fulfil its mandate, expedite the adoption of the draft law on equality and citizenship, which will institute and ensure the sustainability of the High Council in the institutional landscape, and ensure that the other two institutions also receive the necessary means, in particular to allow the National Consultative Commission for Human Rights to fully play its role in view of the new functions that it has received (rapporteur for the trafficking and exploitation of human beings).

Temporary special measures

16. The Committee welcomes the fact that the exhaustive and detailed legal framework promoting gender parity in the electoral system for all assemblies, high-level jobs in the civil service and in the private sector and the participation of women on boards of directors for companies listed on the stock exchange is not a temporary special measure. The Committee remains concerned about the vulnerable situation of women and girls belonging to disadvantaged groups in political life, education, employment and health.

17. **The Committee recommends that the State party use temporary special measures to address the urgent needs of women belonging to disadvantaged groups in fields such as political life, education, employment and health.**

Stereotypes and harmful practices

18. The Committee welcomes the State party's efforts to combat discriminatory gender stereotypes, including by promoting the sharing of household duties and parenting responsibilities, and to address the stereotyped portrayal of women in the media, including by regulating broadcasting licences and strengthening the role of the Higher Council for the Audiovisual Sector. The Committee also welcomes the legislative and other measures taken to combat harmful practices, including child and forced marriage, female genital mutilation and crimes in the name of so-called honour. The Committee is, however, concerned:

(a) That discriminatory stereotypes in respect of the roles and responsibilities of women and men in the family and in society persist in the State party;

(b) That Muslim women and girls are exposed to a heightened risk of discrimination and Islamophobic and/or anti-Muslim acts, based on the intersecting factors of their sex and religion, as well as origin, and that the risk of discrimination is compounded by the current social and political context;

(c) That the media and the advertising sector continue to convey stereotyped and sexualized images of women;

(d) That the prevalence of pornography and the so-called sexualization of the public sphere in the State party may exacerbate sexual harassment and gender-based violence against women and girls;

(e) That information on harmful practices and the ways to combat them in the State party is not readily accessible to many women;

(f) That medically unnecessary and irreversible surgery and other treatment are routinely performed on intersex children, as noted by the Committee on the Rights of the Child and the Committee against Torture.

19. **The Committee recommends that the State party:**

(a) Adopt a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women, with particular focus on women belonging to minority groups, who are often the target of hate speech and racially motivated violence. The strategy should include monitoring to assess the impact of the measures taken and facilitate the design of remedial action to ensure their social integration;

(b) Combat all forms of discrimination against women and girls belonging to racial, ethnic, national and religious minorities, including those living in sensitive urban areas, to ensure their equal access to health care and education, employment, housing and the public and political arenas and to reinforce the willingness and capacity to live together in harmony (*le vivre-ensemble*);

(c) Engage with relevant actors and use innovative measures, including by imposing stricter regulations when possible, to enhance a positive and non-stereotypical portrayal of women in the media and in advertisements;

(d) Conduct a study on the possible impact of oversexualized representations of girls and women in the media and the prevalence of pornography on the increase in gender-based violence against women in the State party;

(e) Systematically collect disaggregated data on harmful practices in the State party and make information on ways to combat such practices widely available;

(f) Develop and implement a rights-based health-care protocol for intersex children, ensuring that children and their parents are appropriately informed of all options; that children are involved, to the greatest extent possible, in decision-making about medical interventions and that their choices are respected; and that no child is subjected to unnecessary surgery or treatment, as recommended recently by the Committee against Torture (see CAT/C/FRA/CO/7, para. 35) and the Committee on the Rights of the Child (see CRC/C/FRA/CO/5, para. 48).

Gender-based violence against women

20. The Committee commends the State party on its efforts to tackle gender-based violence against women. It notes that the State party is preparing the fifth

interministerial plan for preventing and combating violence against women (2016-2018). The Committee is concerned, however, that notwithstanding the measures taken, specific results are insufficient and the prevalence of gender-based violence against women remains high in the State party. It is also concerned at:

(a) The low reporting of cases of gender-based violence against women, including rape, and the low prosecution and conviction rates, resulting in impunity for perpetrators;

(b) The impact in terms of gender-based violence against women and girls of the intersection of racist, xenophobic, anti-Muslim and sexist acts;

(c) The regional and local disparities in the availability and quality of assistance and protection services, including shelters, for women who are victims of violence, as well as discrimination against women who are victims of violence belonging to minority groups;

(d) The non-reporting of domestic violence by many migrant women owing to their dependence on their partners for residence permits;

(e) The insufficient human, technical and financial resources allocated to the Interministerial Mission for the Protection of Women Victims of Violence and for Combating Human Trafficking to fulfil its mandate.

21. **In line with its general recommendation No. 19 (1992) on violence against women, the Committee recommends that the State party:**

(a) Further study the root causes of the low reporting and conviction rates in cases of gender-based violence against women and strengthen its efforts to eliminate all barriers preventing women from reporting violence to the police;

(b) Ensure that racist, xenophobic, anti-Muslim and sexist acts are thoroughly investigated and prosecuted and that sentences imposed on perpetrators are commensurate with the gravity of their acts;

(c) Strengthen monitoring mechanisms to regularly evaluate the impact of the measures taken to combat gender-based violence against women and take remedial action;

(d) Evaluate the response of the police and judiciary to complaints of sexual crimes and introduce mandatory capacity-building for judges, prosecutors, police officers and other law enforcement officers on the strict application of criminal law provisions on gender-based violence against women and on gender-sensitive procedures for interviewing women who are victims of violence;

(e) Reinforce the assistance and protection provided to women who are victims of violence, including by strengthening the capacity of shelters and crisis centres and ensuring that they meet the accommodation needs of all victims without discrimination and by allocating adequate human, technical and financial resources;

(f) Revise, from a gender perspective, the conditions for granting temporary residence permits to migrant women who are dependent on their abusive partners;

(g) Allocate sufficient human, technical and financial resources to the Interministerial Mission for the Protection of Women Victims of Violence and for Combating Human Trafficking to allow it to fulfil its mandate.

Extraterritorial State obligation

22. The Committee is concerned about the potentially negative impact on women's rights of arms transfers to sensitive countries marked by armed conflict or at risk of such conflict.

23. **The Committee recommends that the State party integrate a gender dimension into its strategic dialogues with countries purchasing French arms and continue to conduct rigorous, transparent and gender-sensitive risk assessments, in accordance with the Arms Trade Treaty.**

24. The Committee is concerned that the State party:

(a) Limits the prosecution of acts of gender-based violence against women, including female genital mutilation and forced and/or child marriage, perpetrated by French nationals abroad to cases in which the act is not criminalized in the country in which it is committed;

(b) Makes the prosecution of such offences subject to the filing of a complaint by the victim;

(c) Is reluctant to prosecute such offences perpetrated by permanent residents of France outside the territory of the State party.

25. **The Committee recommends that the State party review its approach to extraterritorial prosecution of acts of gender-based violence against women, including female genital mutilation and forced and/or child marriage, and ensure that such offences, when perpetrated by French nationals or permanent residents, are prosecuted ex officio in the State party, regardless of whether the particular offence is criminalized in the country in which it is committed.**

Trafficking and exploitation of prostitution

26. The Committee welcomes the adoption of a first national action plan to combat human trafficking (2014-2017) and the designation of the National Consultative Commission for Human Rights as the independent national rapporteur. It is, however, concerned about:

(a) The low rates of prosecution and conviction in cases of trafficking;

(b) The lack of adequate mechanisms to identify and refer victims of trafficking in need of protection, in particular minors, who are often considered offenders and irregular migrants, not victims, and the lack of sufficient data on victims of trafficking;

(c) The lack of attention to exploitation that includes forced labour, servitude, slavery and analogous practices, priority being accorded to trafficking and the exploitation of prostitution;

(d) The insufficient coordination and the lack of human and financial resources allocated to the national action plan, which has resulted in significant

delays in its implementation, and the lack of sufficient resources for the National Consultative Commission for Human Rights to fully exercise its role of rapporteur;

(e) The lack of systematically organized rehabilitation and reintegration measures, including access to counselling, medical treatment, psychological support and redress, including compensation, for victims of trafficking, in particular for migrant women, who are not entitled to obtain a temporary residence permit unless they cooperate with the police and judicial authorities;

(f) The risk that the criminalization of clients may backfire and expose persons in prostitution to increased risks to their security and health without addressing the root causes of prostitution or diminishing its prevalence;

(g) The insufficient budgeted amount and the uncertainty regarding the additional resources expected from the confiscation of property of convicted traffickers to support the process for women wishing to leave prostitution.

27. **The Committee recommends that the State party:**

(a) Investigate, prosecute and punish all cases of trafficking in persons, especially women and girls, and ensure that the sentences imposed on perpetrators are commensurate with the gravity of the crime;

(b) Strengthen measures to identify and provide support to women at risk of trafficking, in particular minors;

(c) Improve access to data on victims of trafficking, disaggregated by sex and age;

(d) Prevent and combat other forms of exploitative practices related to trafficking, in particular forced labour, servitude and slavery;

(e) Increase the human, technical and financial resources of the Interministerial Mission for the Protection of Women Victims of Violence and for Combating Human Trafficking and the National Consultative Commission for Human Rights to ensure the effective coordination, monitoring and assessment of government action against trafficking in persons and exploitation;

(f) Provide victims of trafficking with adequate access to health care and counselling and strengthen such services by providing enhanced human, technical and financial resources to social work centres and targeted training for social workers;

(g) Ensure that all victims of trafficking, irrespective of their ethnic, national or social background, obtain effective protection and redress, including rehabilitation and compensation;

(h) Plan the evaluation, within three years, of the impact of Act No. 2016-444, including on the type and extent of prostitution and trafficking, social perceptions of prostitution, the purchase of sexual services and women who engage in prostitution;

(i) Increase the budget and strengthen the assistance provided to women and girls who wish to leave prostitution, including by providing alternative income-generating opportunities.

Participation in political and public life

28. The Committee commends the State party on the numerous legislative and constitutional measures taken to ensure gender parity in political and public life. It notes that parity has been achieved in the Cabinet and in regional and departmental councils. It welcomes the sharp increase in the representation of women in the regional and municipal councils following the local elections held in 2014. The Committee notes that the legislation promoting gender parity was completed in 2014 for all levels of the State (central, regional, departmental and local). It remains concerned, however, about the low representation of women in the National Assembly and the Senate, given that some political parties appear to prefer to be fined rather than to nominate women candidates for elections, and in the presidencies of subnational councils, such as mayors (16 per cent) or presidents of departments (approximately 10 per cent), or of regions (17.6 per cent). The Committee also notes the progress made in the representation of women on boards of directors.

29. **The Committee recommends that the State party:**

(a) **Evaluate the impact of the penalties currently applied with respect to elections to the National Assembly and the Senate and, if necessary, adopt stronger measures, including a revision of the electoral system;**

(b) **Develop innovative models for the presidencies of subnational councils;**

(c) **Pursue its efforts to ensure equal representation in decision-making positions on boards of directors and in various areas of public administration;**

(d) **Intensify awareness-raising campaigns for politicians, journalists, teachers and the general public, to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the human rights of women.**

Birth registration

30. The Committee notes the very short deadline provided under article 55 of the Civil Code for the declaration of births, failing which a judicial procedure must be conducted before a court, which may take up to 18 months, leaving children with no legal proof of existence and limiting their enjoyment of human rights. The Committee is concerned that a large portion of the indigenous and tribal population of French Guyana and half the population of Mayotte lack birth certificates and identity papers, depriving them of access to basic services, including education and health care.

31. **The Committee recommends that the State party ensure that every birth is registered and every person under its jurisdiction is provided with birth certificates and identity papers, irrespective of where they live. It recommends that the State party amend article 55 of the Civil Code, as envisaged in draft law No. 3204 of 2015, consider extending the five-day deadline envisaged, especially for remote areas, and simplify the procedure envisaged in the case of late declarations.**

Education

32. The Committee welcomes the measures taken to ensure that gender equality permeates all levels of education and to overcome gender-stereotyped educational and vocational choices. However, the Committee notes with concern:

(a) That no recent, comprehensive evaluation of Act No. 2004-228 banning the wearing of religious symbols in schools has been conducted and that, as a result, its possible limitation or denial of the right to education of girls (see CEDAW/C/FRA/CO/6, para. 20) and its impact on their inclusion in all facets of French society as full members of the community are unknown and, if negative, cannot be remedied;

(b) That women are still concentrated in traditionally female-dominated fields of study and career paths and are underrepresented in vocational training and in certain fields of higher education, such as mathematics, information technology and science;

(c) The continued horizontal segregation with respect to participation by women in natural science and technology-related research;

(d) The insufficient access to sexual education in schools, which does not appear to meet the needs of girls and boys or contribute to the fulfilment of the State party's responsibilities in that regard;

(e) The high number of girls who suffer from discrimination and sexual harassment in schools and the disproportionate number of migrant, Roma, indigenous and autistic girls, as well as girls belonging to minority groups and girls with disabilities, who continue to face difficulties in gaining access to high-quality education.

33. **The Committee recommends that the State party:**

(a) Mandate a comprehensive study to determine the impact of Act No. 2004-228 banning the wearing of religious symbols in schools on the right to education of girls (see CEDAW/C/FRA/CO/6, para. 20) and their inclusion in all facets of French society as full members of the community, and indicate remedies, if needed;

(b) Strengthen its strategies to address discriminatory stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study, such as mathematics, information technology and science;

(c) Ensure that a zero-tolerance policy on violence and harassment that includes counselling services, awareness-raising efforts and effective reporting mechanisms is effectively implemented in all schools;

(d) Ensure that the three yearly hours of age-appropriate and gender-sensitive education on sexuality and the human rights of women planned in the school curricula are actually respected by all schools and provided by trained personnel, addressing not only the biology of reproduction, contraception and prevention of HIV/AIDS, but also gender equality, respect and combating sexist and sexual violence;

(e) Continue to combat discrimination against disadvantaged groups of women and girls in gaining access to high-quality education, including by adopting temporary special measures, and ensure the effective monitoring and evaluation of the impact of such efforts, to inform remedial action.

Employment

34. The Committee welcomes the generally high rate of participation by women in the labour force in the State party and the numerous steps taken to promote gender equality in the labour market, including measures to facilitate the reconciliation of family and work life, strengthen the social entitlements of part-time workers and reduce the share of women in this category, and improve the pensions of older women and overcome the glass ceiling. It also welcomes the extension of the regulation on sexual harassment and sexist behaviour to the public sector, as provided for in the recently adopted law on new freedoms and new protections for enterprises and employed persons (El Khomri Law). The Committee is, however, concerned about:

(a) The continuing horizontal and vertical occupational segregation and the concentration of women in part-time and low-paid jobs, measures taken in the public service regarding managerial positions obviously not having achieved their aim;

(b) The lack of implementation of the principle of equal pay for work of equal value and the persistent gender wage gap, in both the public and private sectors, which adversely affects women's career development and pension benefits;

(c) The fact that, notwithstanding the reforms, the amount of parental leave taken by men remains very low;

(d) The limited access by migrant, refugee, asylum-seeking and Roma women, as well as women belonging to other minority groups and women with disabilities, to the labour market;

(e) The possibility for employers, according to the El Khomri Law, to introduce the principle of neutrality in the internal regulation of an enterprise by a unilateral decision, which may affect Muslim women disproportionately and further increase their vulnerability with regard to employment;

(f) The lack of willingness expressed in the written information provided to ratify the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

35. **The Committee recommends that the State party:**

(a) Adopt effective measures, including skills training, incentives for and encouragement of women to work in non-traditional fields and temporary special measures, to achieve de facto equal opportunities for women and men in the labour market and eliminate occupational segregation, both horizontal and vertical, in the public and private sectors, and ensure that the quotas for female managerial positions are not undermined by inefficient sanctions;

(b) Adopt measures to effectively implement the principle of equal pay for work of equal value and to narrow and close the gender wage gap, including by applying gender-neutral analytical job classification, evaluation methods

and regular pay surveys, notably in the civil service, and by ensuring that businesses comply with their legal obligations to develop measures aimed at fostering collective bargaining;

(c) Create more opportunities for women to gain access to full-time employment, including by promoting the equal sharing of domestic and family tasks between men and women, providing more and improved childcare facilities and increasing the incentives for men to exercise their right to parental leave;

(d) Take into account the needs of disadvantaged groups of women, especially migrant, refugee, asylum-seeking and Roma women, as well as women belonging to other minority groups and women with disabilities, and consider the use of targeted measures, including temporary special measures, to create further employment opportunities for such groups;

(e) Conduct a comprehensive review of the gendered impact of the new El Khomri Law, with a view to amending all provisions that may discriminate indirectly against women, in particular the provision relating to the principle of neutrality, in order to protect their rights and maintain coherence with previous gender equality legislation;

(f) Ratify the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

Health

36. The Committee welcomes the legislative measures taken by the State party to facilitate access to contraception and abortion, including full insurance coverage, free contraception for adolescents and urgent contraception prescribed by school nurses. The Committee is, however, concerned about:

(a) Regional disparities in the provision of health-care services, which may affect women and girls disproportionately;

(b) The rate of teenage and/or unwanted pregnancy, in particular in overseas territories and among disadvantaged groups of women;

(c) The disparity in access to health-care services depending on the domicile of women and girls;

(d) The high maternal mortality rate in Mayotte and French Guyana, owing primarily to delayed access to obstetric services by many women of foreign nationality;

(e) The mercury poisoning of water and grounds as a result of mining and illegal mining activities, which disproportionately affects the health of women and girls in French Guyana;

(f) The lack of measures taken by the State party to address the impact of the 30 years of French nuclear testing on the health of women and girls in French Polynesia.

37. **The Committee recommends that the State party:**

(a) Ensure the full territorial coverage of health-care services, especially sexual and reproductive health-care services;

(b) Reduce the rate of teenage and/or unwanted pregnancy, including through improvements in the accessibility, availability and affordability of sexual and reproductive health-care services, including family planning information and services, in particular in overseas territories and among disadvantaged groups of women;

(c) Pursue the current efforts to ensure the availability of good-quality health-care services, including outpatient services, throughout the territory, including in non-metropolitan areas, concentrating also on particularly vulnerable groups of women, such as older women and women with disabilities;

(d) Step up efforts to reduce the incidence of maternal mortality, especially in Mayotte and French Guyana, including by implementing the recommendations of the survey by the national expert committee;

(e) Ensure that the new law providing for the criminalization of clients of women engaged in prostitution does not prevent their access to high-quality sexual and reproductive health-care services and treatment for HIV/AIDS, including confidential services;

(f) Continue the health monitoring of the mercury poisoning of indigenous populations in French Guyana, investigate, prosecute and punish those responsible for such poisoning, and provide redress to victims;

(g) Conduct a rigorous, transparent and gender-sensitive impact assessment of nuclear testing on women's health in French Polynesia and accelerate the processing of claims for the compensation of victims.

Economic empowerment of women

38. The Committee notes the women's entrepreneurship plan launched in 2013. The Committee is, however, concerned about:

(a) The system of joint taxation of both members of a married couple or persons living in a civil union, which may discourage the employment of women and have unequal effects on couples depending on the level of their income and the distribution of paid work in the couple; and the variation in the treatment of couples depending on their civil status in tax and social law;

(b) The underrepresentation of women in sports federations and cultural institutions and the significantly lower share of broadcasting time allocated to women's sports competitions and artistic activities.

39. **The Committee recommends that the State party:**

(a) Revise the tax system and introduce individual taxation of income, at least as an option, and abolish or modify the "family quotient" to make the income tax system gender-neutral rather than a disincentive for participation by women in the labour market;

(b) Simplify and harmonize the treatment of couples, whether they are married, in a civil partnership or in a de facto union, in tax law and social law;

(c) Pursue its efforts to achieve substantive equality as included in agreements with sport federations and cultural policy actors.

Rural women

40. The Committee notes the production of territorial and sex-related data and the holistic concept of rurality, which encompasses diversity in agricultural training programmes, women's entrepreneurship, agro-tourism and increased professional activities for women in rural areas. The Committee is concerned about the need for long-term measures in those fields. It is also concerned about the lack of measures to address rural women's vulnerability, including for older women in the overseas territories owing to land acquisition by multinational mining companies, often resulting in forced evictions, displacement of women and lack of adequate compensation.

41. **The Committee recommends that the State party:**

(a) **Pursue, develop and implement its comprehensive rural policies with a gender perspective, according them the long-term resources necessary to ensure the effective social protection and empowerment of rural women;**

(b) **Address the adverse effects of land acquisition and long-term leases on rural women in the overseas territories and ensure that women are involved in the negotiations of land-lease agreements and that their livelihoods are not negatively affected by such agreements.**

Disadvantaged groups of women

Migrant women and women of immigrant origin

42. The Committee welcomes the efforts made by the State party to integrate migrant women and girls and women of immigrant origin into all aspects of French society. It is, however, concerned at the remaining obstacles that such women face in various fields.

43. **The Committee recommends that the State party pursue its efforts and take into account the specific situation of migrant women and women of immigrant origin in all public policies, such as the urban policy, and more broadly, in combating all forms of discrimination.**

Women in detention

44. The Committee notes that women represent 3.23 per cent of persons in detention and 6 per cent of persons in administrative detention. It is concerned about serious overcrowding in prisons, obsolete infrastructure, isolation from families owing to the geographical distance of the few prisons with women's sections, fewer possibilities of work, training and continuous training, access to health, social and cultural services and the higher risk of suicide and forced psychiatric hospitalization.

45. **The Committee recommends that the State party implement the recommendations made by the Controller General for places of detention in her 2016 report, in particular with regard to gender equality in this particular setting.**

Marriage and family relations

46. The Committee welcomes the adoption of Act No. 2003-516 of 18 June 2003, which ensures equal rights in the transmission of family names. It notes, however, that a large majority of children still bear the name of their father only. The Committee is concerned about the conditions that must be met by transgender persons wishing to change their name.

47. **The Committee recommends that the State party take measures to inform parents of the equal right of women and men to transmit their family names to their children, to eliminate the patriarchal priority given to men's family names. It also recommends a simplification of the judicial procedure under which transgender persons can change their name, by allowing them to make a declaration to that effect before a registry officer or a notary.**

48. The Committee is concerned that a number of customary laws or practices in force in some non-metropolitan territories contain discriminatory provisions with regard to marriage and family relations that are incompatible with the Convention.

49. **The Committee recommends that the State party support efforts by customary authorities and indigenous women's organizations to ensure a rapid review of the discriminatory provisions relating to marriage and family relations, including marriage contracts, the dissolution of marriage, the custody of children and inheritance, to bring them into conformity with the Convention.**

Data collection and analysis

50. The Committee welcomes the collection, analysis and dissemination of key gender equality statistics, but regrets the refusal of the State party to consider collecting data disaggregated by ethnicity or religion, although the absence of such data prevents it from gaining the knowledge needed to measure the discrimination based on those criteria and develop measures to overcome it, in particular regarding women exposed to intersecting forms of discrimination.

51. **The Committee encourages the State party to review its data collection system, including by amending Act No. 78-17 of 6 January 1978 on data processing, data files and individual liberties, in order to collect data based on ethnicity and religion, which would strengthen the measures taken to combat discrimination.**

Beijing Declaration and Platform for Action

52. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

53. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

54. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, Parliament and the judiciary, to enable their full implementation.

Ratification of other treaties

55. The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

Follow-up to the concluding observations

56. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 15 (a) and (d) and 33 (a) above.

Preparation of the next report

57. The Committee invites the State party to submit its ninth periodic report in July 2020.

58. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.